

**REMARKS/ARGUMENTS**

Claims 41-50, 64 and 65 are pending in this application and are finally rejected. Claims 41, 51, 52 and 64 are objected to by the examiner. Claims 41, 42 and 64 have been amended.

**Claim Objections**

Claims 51 and 52 have been renumbered as claims 64 and 65 by the examiner, thereby removing the objection to these claims.

Claims 41 and 64 are objected to because in these claims the "end members" and "walls" are set forth as elements in combination with the "body", which is inconsistent with the remainder of the specification. Claims 41 and 64 have been amended to specify that the "end members" and "walls" are elements of the "body", thereby satisfying the examiner's requirements and avoiding this objection. The term "non-removable", objected to by the examiner as having no antecedent basis in the description, has been deleted from claim 41.

**Rejections under 35 U.S.C. §102**

Claims 41-50, 64 and 65 are finally rejected as being anticipated by Griner et al. U.S. Pat No. 5,266,272 ("Griner"). Griner teaches holders for specimen trays that are affixed in a vertical position to a carousel that rotates around a vertical axis extending through the center of the carousel. This allows the holders to travel from one station to another arranged around the perimeter of the carousel. The examiner argues that the device taught by Griner "is capable of being used in the manner discussed in claim 41, including being rotated about an axis from which the end members extend." However, each holder is taught by Griner to be immovably attached to the carousel with tie-down bolts (e.g. see item 62 in Fig. 9 and col. 5, lines 51-55). Griner does not contemplate rotation of the holder about an axis from which the end members extend and therefore does not teach or suggest any structure that couples the body of the holder to a rotation mechanism that rotates the body around its rotational axis. Claims 41, 42 and 64 have been amended to include at least one coupling element operably attached to the body in

alignment with the rotational axis and adapted to couple the body to a rotation mechanism that rotates the body around the rotational axis. Support for this element is found in the description, e.g. page 3, lines 30-33. Claim 64 has also been amended to more accurately define the structural elements of a preferred embodiment. Since Griner neither teaches nor suggests the structural elements of the amended claims, the amended claims are not anticipated by Griner. It is therefore respectfully requested that the rejection of these claims over Griner be withdrawn.

Claims 41 and 64 are finally rejected as being anticipated by Pakeriasamy, which teaches a PCMCIA card holder for the packing and shipping of a plurality of PCMCIA cards, and are further finally rejected as being anticipated by Nicholson, which teaches a rack for holding pies during cooling. As discussed above, amended claims 41 and 64 require that the holder have at least one coupling element operably attached to the body of the holder in alignment with the rotational axis and adapted to couple the body to a rotation mechanism that rotates the body around the rotational axis. Neither Pakeriasamy nor Nicholson teaches or suggests this structural element. Accordingly, it is submitted that amended claims 41 and 64 are distinguished over both Pakeriasamy and Nicholson and avoid the rejection.

Claims 42-47 are rejected as being anticipated by Wells. Wells teaches a churn for milk or cream that comprises a rotatable rectangular frame in which are disposed jars having lids to contain the liquid in the jars. As shown in Figs. 1, 2 and 7, the rotational axis of the holder passes substantially through the center of the jars (containers) being held in the frame. Claim 42 has been amended to state that the container being held in the holding device of the present invention is spaced apart from the rotational axis of the holder body. Support for this limitation is found in the description, for example, at page 3, lines 10-13. In this way, the containers are held in a position in which they are rotated around an "off-set" rotational axis, i.e. a rotational axis that does not pass through the containers, as shown by Wells. In light of the foregoing discussion and the arguments advanced in previous responses, applicants submit that amended claim 42, as well as claims 43-47 dependent thereon, distinguish over Wells and avoid the rejection.

Claims 42 and 45-49 are rejected as being anticipated by Shumway, which teaches a device for shaking bottles in a crate. The crate is provided with a series of interior walls or partitions to provide a series of compartments each designed to receive and snugly hold a bottle. As such, the containers of Shumway are not coupled to the walls, but are contained by the walls. To more specifically point out this aspect of the invention, claim 42 has been amended to state that the coupling member is "formed in one of the walls" of the holder. Support for this limitation is found in the description, for example, page 3, lines 1-25. Preferably the coupling member takes the form of an elongate slot formed within the wall, as set forth in claim 65, which has been amended to depend from claim 42. Shumway clearly does not teach or suggest any such coupling member. In light of the above, withdrawal of the rejection is respectfully requested.

Claims 42 and 45-47 are further rejected as being anticipated by Neuner et al ("Neuner"), which teaches a mixing machine for tumbling a rack carrying a plurality of volumetric glassware tubes containing chemical solutions. Neuner teaches a holder having a rotational axis that passes substantially through the center of the containers being held. See, for example, Figs. 1, 2 and 3. As discussed above with regard to the rejection over Wells, amended claim 42 expressly requires that the container is spaced apart from the rotational axis of the body of the holding device. For this reason and in addition to the arguments advanced in previous responses, amended claim 42, and claims 45-49 dependent thereon, are distinguished over Neuner and avoid the rejection.

#### **Rejection under 35 U.S.C. §103**

Claim 50 is rejected as being obvious over Neuner in view of Reynolds et al ("Reynolds"). Claim 50 is dependent on claim 42 and therefore requires, in combination with an oven, the system set forth in claim 42, which includes a holder having an axis of rotation that is off-set from the container being held. For the reasons discussed above, Neuner does not teach or suggest the system of claim 42. Therefore, a combination of the holding device (or system) of

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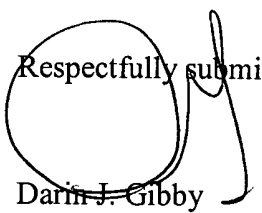
Neuner and the oven taught by Reynolds does not establish the obviousness of claim 50.  
Accordingly, applicants respectfully request withdrawal of the rejection.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance or are placed in better condition for appeal. Accordingly, an advisory action indicating the entrance of this amendment, and the issuance of a formal Notice of Allowance at an early date, are respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

  
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